

JUL 31 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

GERBER EDUARDO ARANA-SANTOS,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 05-74071

Agency No. A77-840-123

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted July 24, 2006^{**}

Before: ALARCÓN, HAWKINS and THOMAS, Circuit Judges.

Gerber Eduardo Arana-Santos, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an Immigration Judge's order denying his application for asylum and

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence, *Prasad v. INS*, 47 F.3d 336, 338-39 (9th Cir. 1995), and we deny the petition for review.

Arana-Santos testified that he is afraid unknown individuals might murder or kidnap him. Substantial evidence supports the IJ's decision since generalized violence by unknown individuals does not amount to persecution. *See Gormley v. Ashcroft*, 364 F.3d 1172, 1177 (9th Cir. 2004). Arana-Santos contends for the first time that he fears persecution "because his father was persecuted by the guerrillas." We lack jurisdiction to consider the family-based contention since he did not raise it before the agency. *See* 8 U.S.C. § 1252(d)(1).

Because Arana-Santos did not establish eligibility for asylum, he necessarily failed to meet the more stringent standard for withholding of removal. *See id.* at 340. The remaining issue in Arana-Santos' opening brief was not supported by argument and is therefore deemed abandoned. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259 (9th Cir. 1996).

PETITION FOR REVIEW DENIED.